



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

3

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,427	12/12/2000	Mark J. Holden	11433RRUS01U/22171.177	5622
27683	7590	10/07/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202		PHILIPS, HASSAN A		
		ART UNIT		PAPER NUMBER
		2151		

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

D

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/735,427	HOLDEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hassan Phillips	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15, 17-25 and 27-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15, 17-25 and 27-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to amendments received on July 12, 2004.

### ***Drawings***

1. The drawings filed July 12, 2004, have been received and considered by the Examiner.
2. After consideration of the amendments to the drawings, the Examiner has withdrawn all objections to the drawings.

### ***Response to Arguments***

1. Applicant's arguments filed July 12, 2004, have been fully considered but they are not persuasive. Applicant argues that Kelly fails to supply the deficiencies of Brady. The Examiner respectfully disagrees. Examiner admits that Brady teaches, "*a means for tracking how much time the user has been on hold and prioritizing the user within a queue the next time the user calls back, if the user terminates the call before the ACD server transfers the call to a live agent.*" However, Kelly teaches a means for tracking how much time a user has been on hold, (col. 20, lines 53-57), and also teaches prioritizing a user in a queue before a user is transferred to a live agent, (col. 21, lines 54-67, and col. 22, lines 1-2). Thus, the teachings of Kelly indeed do supply

the deficiencies of Brady. Furthermore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Brady with the teachings of Kelly to provide a means for tracking how much time the user has been on hold and prioritizing the user within the queue the next time the user calls back, if the user terminates the call before the ACD server transfers the call to a live agent.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

2. Applicant's arguments with respect to claims 1-15, 17-25, 27-30, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bondarenko et al. (hereinafter Bondarenko), U.S. patent 6,389,028.
  
3. In considering claim 1, Bondarenko teaches a method for interacting with a an automatic call distributor, the method comprising:
  - a) receiving a call placed from a user to an ACD server, placing the call into a queue, sending, by the user at any time while the call is in the queue, a dynamic request to the ACD server to determine at least one of the following queue information selected from the group consisting of a user's queue position, holding times, and other related queue data, and returning the queue information from the ACD server to the user, (col. 11, lines 30-58).

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 7, 8, 10, 20, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko in view of Burg et al. (hereinafter Burg) U.S. patent publication 2003/0061354.

3. In considering claim 2, although the method of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) sending the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

- a) sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the request, sent to the ACD server, utilize SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server, Burg, page 5, paragraph 100.

4. In considering claim 7, although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose:

- a) utilizing an SIP based client for establishing the call with the ACD server.

Nevertheless, the method of Burg teaches:

- a) utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the an SIP based client for establishing the call with the ACD. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the ACD server, Burg, page 5, paragraph 100.

5. In considering claim 8, the method of Bondarenko further teaches:

- a) the user within a PSTN, (col. 5, lines 45-63).

Although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose:

- a) the ACD server being an SIP based client.

Nevertheless, the method of Burg teaches:

- a) a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to

Art Unit: 2151

implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

6. In considering claims 10, 20, and 30, Bondarenko teaches a method, system, and computer program for interacting with an ACD server, the method, system and computer program comprising:

- a) receiving a call placed from a user to an ACD server, the user call being placed in a queue while awaiting to be connected with a line agent, sending a dynamic request to the ACD server to determine one of the following queue information selected from the group consisting of a user's queue position, holding times, and other related queue data, at any time while the call is in the queue, (col. 11, lines 30-58).

Although the method, system and computer program of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) sending the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

- a) sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in

order to have the request, sent to the ACD server, utilize SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server, Burg, page 5, paragraph 100.

7. Claims 3, 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko in view of Kelly U.S. patent 5,999,965.

8. In considering claim 3, the method of Bondarenko further teaches:

- a) a callback feature, (col. 4, lines 12-19).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Kelly teaches an ACD server for computer telephony communications comprising:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to have the ACD server maintain an abandoned call tracking feature that may be used to call back a user when the ACD

Art Unit: 2151

server has determined priority based on a number of times that the user has called and an accumulated wait time. This would make the ACD server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

9. In considering claim 5, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, the method of Kelly teaches:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded information to credit the user with the time the user has waited, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to have the ACD server maintain an abandoned call tracking feature that may be used to credit a user, who terminated a call before being transferred to a live agent, with an appropriate amount of time the next time the user calls back.

This would make the ACD server more robust, and would further facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

10. In considering claim 6, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, the method of Kelly teaches:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57);
- b) a call prioritizing feature that prioritizes users within a queue depending on how much time a user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded abandoned call information to prioritize the user within a queue, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to have the ACD server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live agent, calls back. This would make the ACD server more robust, and would further facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

11. Claims 4, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Korilis et al. (hereinafter Korilis) U.S. patent 6,335,744.

12. In considering claim 4, the method of Bondarenko further teaches:

- a) A push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose:

- a) pushing web content from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

- a) pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to push web content to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

13. In considering claim 9, the method of Bondarenko further teaches:

- a) a push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose:

- a) pushing games from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

- a) pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to have the ACD server push games to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

14. Claims 11, 15, 21, 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady U.S. patent 6,226,287, in view of Kelly.

15. In considering claims 11 and 21, Brady teaches an automatic call distributor (ACD), said ACD comprising:

- a) at least one link server 105, (see fig. 10)
- b) means, responsive to receiving a call placed from a user to a link server, for placing the user call in a queue, (col. 2, lines 66-67, col. 3, lines 1-3);
- c) means, responsive to a user request subsequent to placing the call, for dynamically determining call handling time, such as position in a queue, (col. 9, lines 25-37);
- d) means for transmitting the queue information from the link server to the user, (col. 9, lines 37-39).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, the method of Kelly teaches:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57);
- b) a call prioritizing feature that prioritizes users within a queue depending on how much time a user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded abandoned call information to prioritize the user within a queue, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live agent, calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

16. In considering claims 15 and 25, although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, the method of Kelly teaches:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded information to credit the user with the time the user has waited, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature that may be used to credit a user, who terminated a call before being transferred to a live agent, with an appropriate amount of time the next time the user calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

17. Claims 12, 17, 18, 22, 27, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Burg.

18. In considering claims 12 and 22, although the method of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) receiving the request via Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

- a) receiving a request at a gateway 160, wherein the request was received via SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server receive the request via SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the link server, Burg, page 5, paragraph 100.

19. In considering claims 17 and 27, the method of Brady further teaches:

- a) utilizing a client from a data communications network for establishing a call with a link server, the link server being within a PSTN and comprising a means for converting the data communication message to a PSTN message, (col. 5, lines 38-41).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

- a) utilizing an SIP based client for establishing the call with the link server.

Nevertheless, the method of Burg teaches:

- a) utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the client in the data communications network be an SIP based client. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the link server, Burg, page 5, paragraph 100.

20. In considering claim 18 and 28, the method of Brady further teaches:

- a) a link server being a data communications based client, and the user within a PSTN, the link server comprising a means to convert data communication messages to PSTN messages for the user, (col. 5, lines 50-52).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

- a) the link server being an SIP based client.

Nevertheless, the method of Burg teaches:

- a) a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

21. Claims 13, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Burg, and further in view of Kelly.

22. In considering claims 13 and 23, the method of Brady further teaches:

- a) the link server offering a callback option, (col. 2, lines 48-51).

Although the disclosed system of Brady in view of Burg shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Kelly teaches an ACD server for computer telephony communications comprising:

- a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady and Burg, to have the link server maintain an abandoned call tracking feature that may be used to call back a user when the link server has determined priority based on a number of times that the user has called and an accumulated wait time. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

23. Claims 14, 19, 24, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Korilis.

24. In considering claims 14 and 24, the system of Brady further teaches:

- b) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

- a) pushing web content from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

- a) pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push web content to the remote user. This would have kept the user occupied while waiting in queue at the

link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

25. In considering claims 19 and 29, the method of Brady further teaches:

- a) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

- a) pushing games from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

- a) pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push games to the remote user. This would have kept the user occupied while waiting in queue at the link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
10/1/04



ZARNI MAUNG  
PRIMARY EXAMINER